

Forms and Rates Bulletin No. 32

TO: All insurers offering Medicare supplement policies in Delaware

RE: Requirement to Market Medigap Policies to Individuals under the age of 65 with End-Stage Renal Disease

Dated: January 8, 2009

18 Del. C. § 3409 provides in part as follows:

Each Medicare supplement policy or applicable certificate that a carrier currently, or at any time hereafter, makes available in this State shall be made available to any applicant under the age of sixty five (65) who is eligible for Medicare due to a disability, provided that the applicant submits his or her application:

- (a) during first six months immediately following such applicant's enrollment in Part B of Medicare; or
- (b) within six months after the effective date of this section, whichever is later.

That amendment was signed into law on July 16, 2008 and takes effect on January 16, 2009. All insurers offering Medicare supplement policies in Delaware are required to make each Medicare supplement policy that it markets in this state available to any applicant under the age of 65 who is eligible for Medicare due to end stage renal disease.

18 Del. C. § 3409 further states that policies issued pursuant to this law shall be underwritten and rated separately from other Medicare supplement policies.

18 Del. C. § 3410 provides that "In addition to any other applicable penalties for violations of the Insurance Code, the Commissioner may require issuers violating any provision of this chapter or regulations promulgated pursuant to this chapter to cease marketing any Medicare supplement policy or certificate in this State which is related directly or indirectly to a violation or may require such issuer to take such actions as are necessary to comply with the provisions of this chapter, or both."

All insurers offering Medicare supplement policies in Delaware and who have not filed rates and forms in compliance with 18 Del. C. § 3409 are advised to do so before January 16, 2009. Failure to do so will subject the violating insurer to such penalties as are permitted by law including fines and the suspension of the right to market Medicare supplement policies in Delaware.

Questions related to this Bulletin may be directed to Gene Reed, Director of Market Regulation at (302) 674-7391 or gene.reed@state.de.us.

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